

Ex. 4



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# Transcript of Terence A. Monahan

**Date:** June 9, 2023

**Case:** Payne, et al. -v- DeBlasio, et al.

**Planet Depos**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

In Re: :  
New York City Policing :Case No.  
During Summer 2020 :20-cv-8924 (CM) (GWG)  
Demonstrations :  
:  
:

- - - - - x

Videotaped Deposition of TERENCE A. MONAHAN  
New York, New York  
Friday, June 9, 2023  
10:04 a.m.

Job No.: 495462  
Pages: 1 - 353  
Reported By: Catherine Galati

Transcript of Terence A. Monahan  
Conducted on June 9, 2023

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1 Videotaped Deposition of TERENCE A. MONAHAN,  
2 held at the offices of:

3  
4 NEW YORK CIVIL LIBERTIES UNION

5 55 Broadway, 15th Floor

6 New York, New York 10006

7 (212) 607-3300  
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18

19 Pursuant to notice, before Catherine Galati,  
20 Notary Public in and for the State of New York.  
21  
22  
23  
24  
25

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS, Payne v.  
De Blasio, No. 20-cv-8924:

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of New York v. City of New York, No. 21-cv-322:

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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF DEFENDANT, CITY OF NEW YORK:

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Maggie Hadley, Esquire (Via Zoom)

Michael Vitoroulis

Thomas DelVacchio, Videographer

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## P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. Here  
begins Media Number 1 in the videotaped deposition  
of Mr. Terence A. Monahan in the matter of In re  
New York City Policing During Summer of 2020  
Demonstrations, in the United States District  
Court, Southern District of New York, Case Number  
20-CV-8924.

Today is Friday June 9, 2023. The time on  
the video monitor is 10:04 a.m. The videographer  
today is Thomas DelVacchio, representing Planet  
Depos. This deposition is taking place at the New  
York City Civil Liberties Union, 55 Broadway, New  
York, New York 10006.

The court reporter today is Catherine  
Galati, also representing Planet Depos.

Will the court reporter please swear in or  
affirm the witness.

Whereupon,

TERENCE A. MONAHAN,  
being first duly sworn or affirmed to testify to  
the truth, the whole truth, and nothing but the  
truth, was examined and testified as follows:

THE REPORTER: Counsel, I'm all set to  
proceed.

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1 to the 34th Precinct. I became -- in 1994, I  
2 became the commanding officer of the 48 Precinct.  
3 Sometime during that, '95, I think it was, I was  
4 promoted to deputy inspector. I went -- I believe  
5 it was '97 -- to the 46 Precinct, where I was  
6 promoted to inspector. In '99, I went back to the  
7 34 as a commanding officer. In 2004, I believe, I  
8 was made deputy chief. I went to the Bronx. And  
9 in 2014, I went down to the chief of department's  
10 office as the executive officer, and I was  
11 promoted to assistant chief. In 2016, I was made  
12 the chief of patrol. In January 2018, I was the  
13 chief of department.

14 Q Okay, great.

15 A I may be off by a year or two with some of  
16 those earlier ones.

17 Q Okay. So until you became the XO of the  
18 chief of department's office, you were in the  
19 Bronx?

20 A I was in the Bronx. And I think for two  
21 years, I went to Queens as the deputy chief and  
22 went back to the Bronx. 2012, I think I was the  
23 deputy chief in Queens, and then in 2014, I went  
24 back to the Bronx.

25 Q Okay. When you were promoted to assistant

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10:14:54

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1	NYPD, right?	10:17:07
2	A Correct.	10:17:08
3	Q Who else is considered part of the	10:17:08
4	executive staff of the NYPD?	10:17:11
5	A It's a fairly large executive staff. So	10:17:12
6	the executive staff would consist of all those	10:17:15
7	chiefs I mentioned, the chief of community	10:17:17
8	affairs, chief of intelligence, and all the	10:17:20
9	numerous deputy commissioners that are on the job.	10:17:23
10	Chief of internal affairs.	10:17:30
11	Q Is it the case that anyone with the title	10:17:33
12	chief is certainly considered part of the	10:17:36
13	executive staff in NYPD?	10:17:38
14	A There's chief of, as opposed to assistant	10:17:40
15	chief or deputy chief. So if you're the chief of	10:17:43
16	a unit, then that would be part of the executive	10:17:46
17	staff.	10:17:49
18	Q Okay. Thanks. As the chief of	10:17:49
19	department, what is your role in policing protests	10:17:52
20	in New York City?	10:17:56
21	A My role is to oversee what is occurring,	10:17:57
22	making sure that the resources that are necessary	10:18:01
23	are out there, that there's enough coverage for	10:18:03
24	these -- for the details, and who is going to be	10:18:08
25	in charge, who is going to be specifically	10:18:11

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1	assigned the responsibility for those details.	10:18:13
2	Q Does that include responsibility for	10:18:20
3	planning for anticipated protests?	10:18:24
4	A Part of the responsibility is to be	10:18:25
5	involved in the planning.	10:18:27
6	Q Does it include responsibility for	10:18:28
7	reviewing intelligence the NYPD collects about	10:18:30
8	protests?	10:18:34
9	A It is getting briefed by the Intelligence	10:18:35
10	Bureau about the intelligence prior to any	10:18:39
11	demonstration to assist in the planning.	10:18:41
12	Q Do those responsibilities include making	10:18:48
13	deployment decisions about protests?	10:18:51
14	A Yes, it does, through the operations	10:18:53
15	division that works for the chief of department.	10:18:55
16	Q Would you be involved in any decision to	10:19:02
17	establish a mass arrest processing center?	10:19:04
18	A No.	10:19:07
19	Q Whose decision would that be?	10:19:08
20	A That would come through the court	10:19:10
21	division, which reports to the first deputy police	10:19:12
22	commissioner.	10:19:16
23	Q Who was the first deputy police	10:19:19
24	commissioner at the time of the 2020 protests?	10:19:22
25	A Benjamin Tucker.	10:19:26

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1 Q So I understand that Mr. Tucker would make 10:19:30  
2 the decision, but would you be involved in the 10:19:35  
3 decision to establish a mass arrest processing 10:19:38  
4 center at all? 10:19:41

5 A Be involved whether or not one was 10:19:42  
6 necessary, and he would be involved through the 10:19:44  
7 chief of the court division in how to process it 10:19:47  
8 and how it should be run, along with our legal 10:19:50  
9 division. 10:19:53

10 Q I think I understand. So you wouldn't be 10:19:55  
11 involved in running the mass arrest processing 10:19:57  
12 center, but if I understand you right, you'd be 10:20:00  
13 involved in the decision about whether one was 10:20:03  
14 necessary or not? 10:20:06

15 A Correct. 10:20:07

16 Q Okay. As chief of department, would you 10:20:07  
17 be involved in establishing operational plans for 10:20:15  
18 particular protests? 10:20:18

19 A The operational plans would be presented 10:20:21  
20 by the chief that's going to be in charge of that 10:20:24  
21 area. If time permits, I would review them, and 10:20:28  
22 we'd talk to the operations division to make sure 10:20:33  
23 that chief that was going to be the incident 10:20:37  
24 commander had the resources necessary that he 10:20:39  
25 needed. 10:20:41

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23

1 Q When you did review -- strike that. Let  
2 me start over.

3 In the instances where you would review  
4 the operational plan for a protest as chief of  
5 department, were you reviewing it just for terms  
6 -- for the purposes of assessing deployment  
7 decisions, or were you reviewing it for other  
8 reasons as well?

9 A I was reviewing it to understand what the  
10 plans were, if necessary, make any recommendations  
11 towards those plans, and to see whatever requests  
12 that chief may have and make sure that we can  
13 accommodate it as best as possible.

14 Q And would those recommendations that you  
15 make include recommendations about whether the  
16 operational plan was appropriate to the  
17 circumstances presented?

18 A Yes.

19 Q As chief of department, were you involved  
20 in training for members of service on how to  
21 police protests?

22 A No.

23 Q Were you involved in setting policies the  
24 NYPD have that govern how members of service  
25 should behave at protests?

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1	Q And SRG?	13:49:30
2	A Yes.	13:49:31
3	Q Okay. Thank you. I have another	13:49:31
4	technical question about deployment decisions. So	13:50:01
5	you testified earlier that in general, decisions	13:50:04
6	about how to deploy officers during the summer	13:50:10
7	2020 protests were made by operations and Chief	13:50:13
8	Mullane, right?	13:50:17
9	A In general, yes. Requests were made to	13:50:17
10	Mullane, and Mullane was the one who was able to	13:50:21
11	get resources that were based on the requests from	13:50:24
12	the borough commanders.	13:50:26
13	Q And that if decisions -- if a call needed	13:50:28
14	to be made about, well, how many do we send here	13:50:32
15	or there, that decision would come up to you; is	13:50:35
16	that right?	13:50:37
17	A Could go to Fausto Pichardo first and then	13:50:37
18	me.	13:50:40
19	Q Okay. What criteria were you using to	13:50:41
20	make those decisions?	13:50:44
21	A Whatever intel we had and whatever was	13:50:44
22	seen on the ground. So it would be conversations	13:50:47
23	with commanders on the ground. If they needed	13:50:48
24	extra resources, or if I was out on the scene --	13:50:51
25	and it happened on instances where I called	13:50:53



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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2  
3 I, Catherine Galati, the officer before  
4 whom the foregoing proceedings were taken, do  
5 hereby certify that the foregoing transcript is a  
6 true and correct record of the proceedings; that  
7 said proceedings were taken by me stenographically  
8 and thereafter reduced to typewriting under my  
9 supervision; and that I am neither counsel for,  
10 related to, nor employed by any of the parties to  
11 this case and have no interest, financial or  
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 20th day of June, 2023.

15  
16   
17 \_\_\_\_\_

18 NOTARY PUBLIC IN AND FOR THE  
19 STATE OF NEW YORK  
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